

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**In re: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION**

**MDL NO. 2724
16-MD-2724
HON. CYNTHIA M. RUFÉ**

THIS DOCUMENT RELATES TO:

***HUMANA INC. v. ACTAVIS
ELIZABETH LLC et al.***

18-CV-3299

***THE KROGER CO., et al. v.
ACTAVIS HOLDCO U.S., INC. et al.***

18-CV-284

ORAL ARGUMENT REQUESTED

**DEFENDANT BRECKENRIDGE PHARMACEUTICAL, INC.’S
MOTION TO DISMISS THE HUMANA INC. AND KROGER CO. COMPLAINTS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and PTO 71 (16-MD-2724, Dkt. No. 846), and for the reasons set forth in the accompanying Memorandum of Law, Defendant Breckenridge Pharmaceutical, Inc. (“Breckenridge”), by and through undersigned counsel, respectfully moves this honorable Court to dismiss the following with prejudice:

1. With respect to Plaintiff Humana, Inc.’s Amended Complaint [18-cv-3299, Dkt. 29], Breckenridge hereby moves to dismiss Counts LXXXVI, XC, and CVI-CX;
2. With respect to Plaintiffs The Kroger Co., Albertsons Companies LLC, and H.E. Butt Grocery Company L.P.’s (“Kroger Plaintiffs”) Complaint [18-cv-284, Dkt. 37], Breckenridge hereby moves to dismiss Counts 1 and 28.

Pursuant to Rule 7.1(f) of the Local Rules of Civil Procedure, Breckenridge requests oral argument on its Motion to Dismiss.

Dated: February 21, 2019

Respectfully submitted,

/s/ Stacey Anne Mahoney

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